



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112-3801

COPY MAILED

MAR 31 2006

OFFICE OF PETITIONS

In re Patent No. 6,963,371 B2 :
Sakurai, et al. :
Issue Date: November 8, 2005 : **DECISION ON**
Application No. 09/783,556 : **PATENT TERM ADJUSTMENT**
Filed: February 15, 2001 :
Attorney Docket No. 03600.015132 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)", filed January 9, 2006. Patentees request that the patent term adjustment indicated on the patent be corrected from eight hundred seven (807) days to nine hundred six (906) days.

The application for patent term adjustment is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **nine hundred six (906) days**.

On November 8, 2005, the above-identified application matured into U.S. Patent No. 6,963,371 B2. The instant request for reconsideration filed January 9, 2006 was timely filed within two months of the date the patent issued. See §1.705(d). See also §1.7(a). The Patent issued with a Patent Term Adjustment of eight hundred seven (807) days.

Patentees state that the patent is not subject to a terminal disclaimer.

Patentees assert that they should not have been assessed applicant delay of ninety-nine (99) days for the submission of a "REQUEST FOR CORRECTED NOTICE OF ALLOWANCE" on June 27, 2005, seeking correction of the title of the invention, after the Notice of Allowance was mailed on June 6, 2005.

A review of the record reveals applicants previously filed an amendment on April 1, 2005, changing the title of the invention, in response to the examiner's objection to the title, mailed on February 25, 2005. However, the Notice of Allowance still indicated the old title, the one the examiner previously objected to. Accordingly, as this was the first opportunity for applicants to correct the title, the delay of ninety-nine (99) days is not warranted.

In view thereof, the correct determination of PTA at the time of issuance is nine hundred six (906) days (906 days of PTO delay and 0 days of applicant delay).

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **nine hundred six (906) days** subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 6,963,371 B2

DATED : November 8, 2005

INVENTOR(S) : Sakurai, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (807) days

Delete the phrase "by 807 days" and insert – by 906 days—